and contacting said so-disrupted cell with] and wherein said compound compris[ing]es a polynucleotide complementary to [a deoxyribonucleotide acid gene sequence associated with said tumor cell] the messenger ribonucleic acid transcribed from a deoxyribonucleic acid sequence associated with the production of said polypeptide.

REMARKS

Claims 104-109, 113-118, 125-137 and 140-142 stand subject to restriction into two groups of inventions:

Group I: Claims 125-137 and 142

Group II: Claims 104-109, 113-118, 140 and 141

Applicants respectfully traverse this restriction requirement and submit that the claims of both Groups I and II should be examined in a single application. Applicants also request that Group I be reformed to include claims 143 and 144 in view of amended claim 142. Claims 143 and 144 properly depend from amended claim 142.

The appropriate inquiry for restriction must focus on the claimed subject matter of this application. The method of detecting of Group II is defined in terms of a polypeptide forming a complex with the compound of Group I. The preamble to claim 104 of Group II recites that the hybridizing step of claim 125 of Group I is an antecedent step to forming the complex. Therefore, these two groups are related and should be examined together in one application.

Section 806.01 of the Manual of Patent Examining Procedure ("MPEP") provides that:

> "In passing upon questions of ... restriction, it is the claimed subject matter that is considered and such claimed subject matter that must be compared in order to determine the question of distinctness or independence." (emphasis added).